

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Marialea Pottinger-Moore,

Case No. 2:23-cv-01395-GMN-EJY

Plaintiff,

ORDER

v.

Judith Tan, *et al.*,

Defendants.

On September 5, 2023, Plaintiff submitted an incomplete application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s IFP application failed to include her inmate trust fund account statement for the previous six-month period. Even if Plaintiff has not been at a Nevada Department of Corrections facility a full six-month period, Plaintiff must still submit a financial statement and an inmate account statement for the dates she has been at the facility. 28 U.S.C. § 1915(a)(2); Local Rule LSR 1-2.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

IT IS FURTHER ORDERED that on or before **December 12, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court’s approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **December 12, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows Plaintiff to file her case with the Court, under a new case number, when she is able to comply with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

IT IS FURTHER ORDERED that the Court will retain Plaintiff’s Complaint (ECF No. 1-1), but will not file it at this time.

1 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
2 form application to proceed *in forma pauperis* for inmate along with the information and instructions
3 for filing the same.

4 DATED this 13th day of October, 2023.

5
6 
7 ELAYNA J. YOUCHAK
8 UNITED STATES MAGISTRATE JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28